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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,206	02/12/2004	Tian-Fu Cao	MR3287-11	4173

4586 7590 09/29/2004

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EXAMINER

SAETHER, FLEMMING

ART UNIT PAPER NUMBER

3677

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,206

Applicant(s)

CAO, TIAN-FU

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Claim Objections

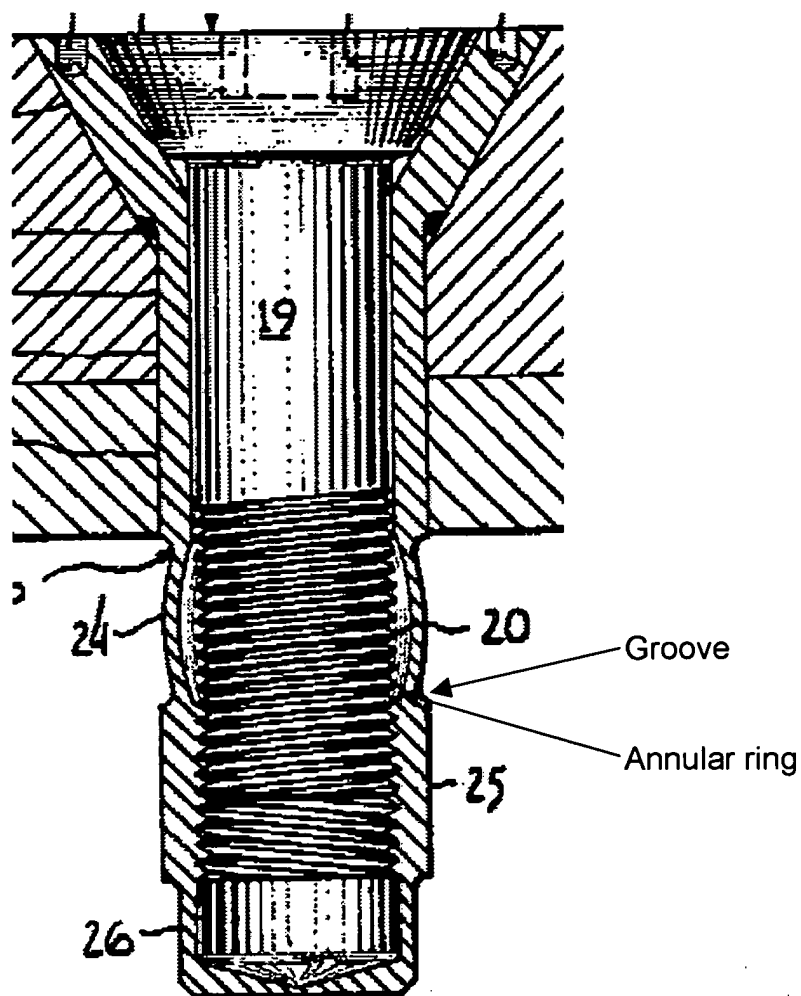
Claims 1, 2, 3 and 5 are objected to because of the following informalities: in claim 1, line 4, "closed" is incorrect and appears should be --closer--; in claims 2 and 5, there is no antecedent basis for "the top side of the annular ring" and; in claim 3, there is no antecedent basis for "the wall of the first area". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,136,203 to Davis in view of applicant's prior art as seen in Figs 1 and 2 (APA). Davis discloses a "bund nut" comprising a flange (21) at one end of a duct having first (24) and second (25) areas. The first area being closer to the flange and having a greater space than the second area such that an inclined annular ring and peripheral groove (see below) are formed at the same location between the first and second areas. The second area being threaded and a latch (16) is formed adjacent the first area.



Davis does not disclose the ribs on the outer surface. The APA discloses ribs (15) on an outer surface of a first part. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the first area of Davis with ribs as disclosed in the APA in order to prevent rotation. The ribs would deform into the substrate to prevent rotation of the fastener.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of the APA as applied to claims 1 and 2 above, and further in view of Selle (US 6,095,738). Selle disclose a nut having an annular ring formed at 45°. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to form the annular ring of modified Davis at 45° as disclosed in Selle in order to better receive the threaded bolt member. The 45° would direct the end of the bolt into proper engagement with threads.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 2,763,314 to Gill in view of applicant's prior art as seen in Figs 1 and 2 (APA). Gill discloses a "bund nut" (10) comprising a flange (12) at one end of a duct having first (16) and second (21) areas. The first area being closer to the flange and having a greater space then the second area and including an incline (20) in a direction of the flange between the first and second areas. The second area being threaded (at 22) and a latch (17) is formed adjacent the first area. Gill does not disclose the ribs on the outer surface. The APA discloses ribs (15) on an outer surface of a first part. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the first area of Gill with ribs as disclosed in the APA in order to prevent rotation. The ribs would deform into the substrate to prevent rotation of the fastener.

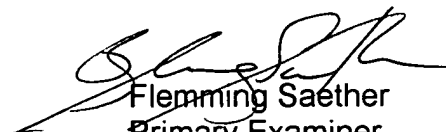
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Flemming Saether
Primary Examiner
Art Unit 3677